

DOCUMENT RESUME

02100 - [A1322264]

[Protest Based on Contention that Contractor Will Be Unable to Perform at Bid Price]. B-188900. May 4, 1977. 1 pp.

Decision re: Steamatic of Middle Georgia, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: General Government: Other General Government (806).

Organization Concerned: General Services Administration; Nevins Carpet Service.

Authority: 4 C.F.R. 20.2(b)(2). B-1E0662 (1974). B-182192 (1975).

A contract for installation, removal, and cleaning of carpets and rugs was protested on the basis that the awardee will be unable to perform the contract at the price bid. Contractor capability was not for consideration; in addition, the protest was untimely. (RRS)

02100

**DECISION**



*Brown  
Proc II*

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-188900

DATE: May 4, 1977

MATTER OF: Steamatic of Middle Georgia, Inc.

**DIGEST:**

Protest based on contention that contractor will be unable to perform at its bid price is not for consideration. Moreover, protest filed more than 10 working days after basis is known is untimely.

Steamatic of Middle Georgia, Inc. (Steamatic) by letter filed on April 22, 1977, protests the award of a contract to Nevins Carpet Service (Nevins) under Solicitation No. GSW-4FWR-70071 issued by the General Services Administration (GSA) for the installation and removal of carpet, cleaning of carpets, rugs and draperies in the Warner Robins area. Steamatic contends that Nevins will not be able to perform the contract at the price bid and be in compliance with the Service Contract Act and the Fair Labor Standards Act.

The protest appears to be based on the contention that Nevins will be unable to perform as required at its bid price. However, we have held that we will not consider protests of this nature. Low Bid Janitorial Service, B-180662, June 25, 1974, 74-1 CPD 342; Chemical Technology, Inc., B-182192, March 12, 1975, 75-1 CPD 149.

Moreover, to the extent Steamatic may be protesting other aspects of the Nevins bid, the protest clearly is untimely. See Section 20.2(b)(2) of our Bid Protest Procedures, 4 C.F.R., Part 20 (1976) which requires that such protests be filed within 10 working days after the basis for protest is known or should have been known. Here an award to Nevins was made February 15, 1977; yet the protest was not filed until April 22, 1977.

Accordingly, the protest is not for consideration.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel